

# The balancing act : balancing copyright and open access



**Presented by Elsabé Olivier**

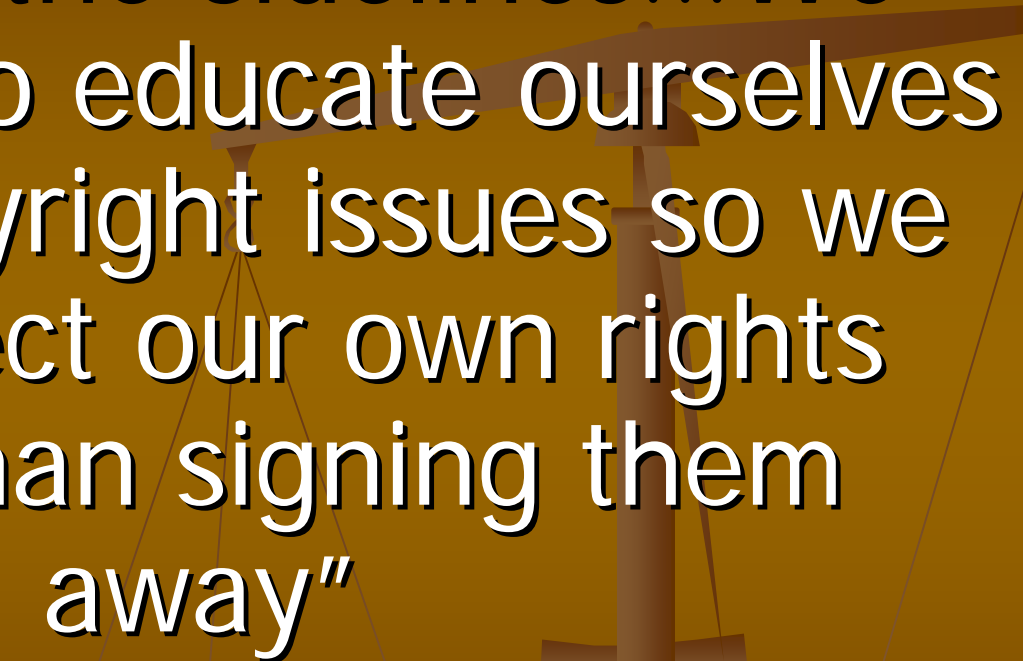
**eIFL.net in co-operation with the Research Library Consortium**

**IR Carnegie Workshop**

**18 July 2007**

# Introduction

- The digital age provides librarians with new opportunities & challenges
  - Restrictive copyright policies can be a major obstacle to repository growth & development
  - How do we balance everybody's interests?
  - Libraries have an important role to play
  - Focus : copyright issues of journal articles
  - Copyright of theses & internal reports
- 

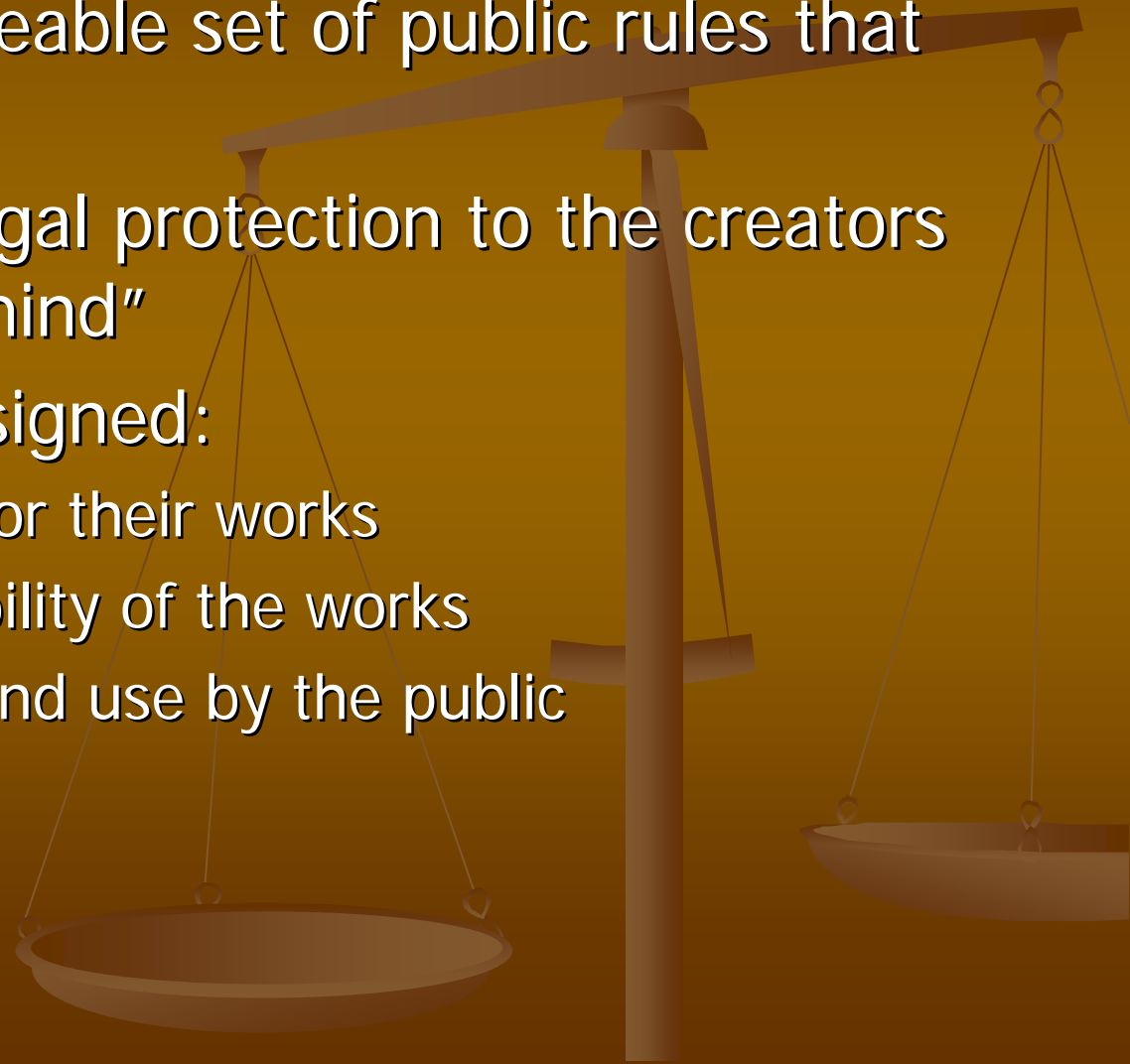


“We can no longer afford to stand on the sidelines...We also need to educate ourselves about copyright issues so we can protect our own rights rather than signing them away”

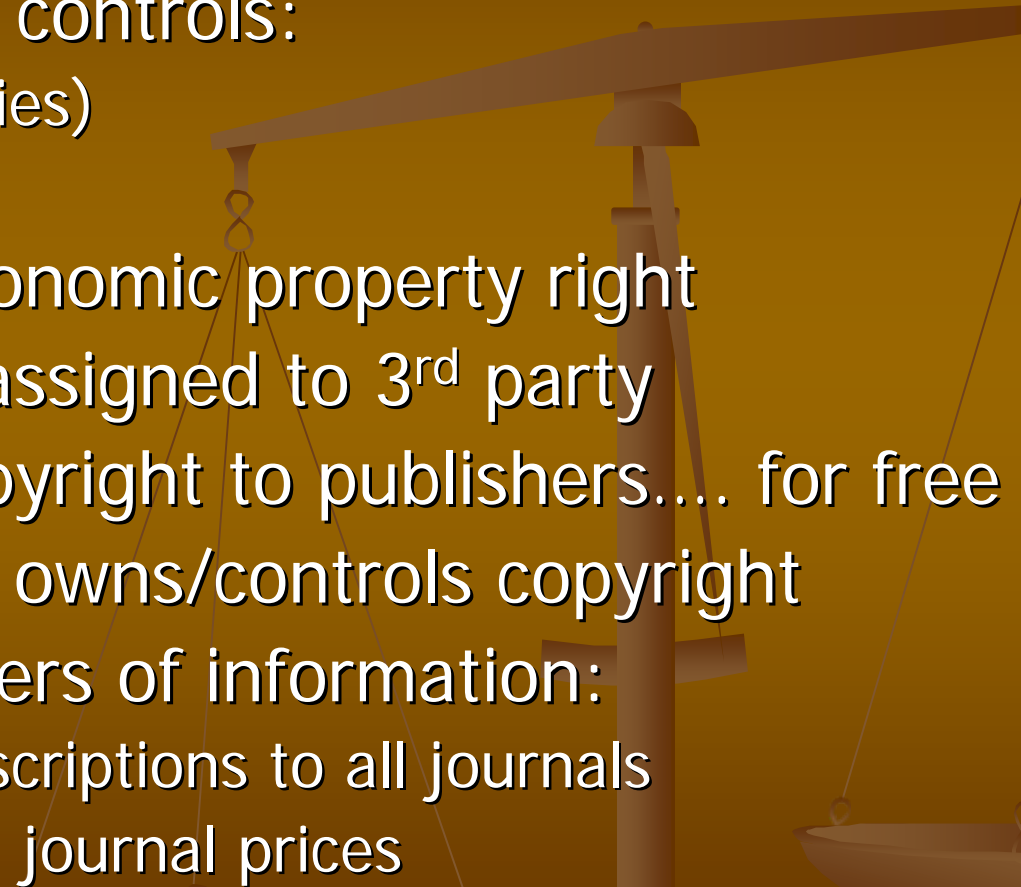
– JoAnne Yates, Sloan Distinguished Professor of Management

# What is copyright law?

- A law is an enforceable set of public rules that govern society
- Copyright gives legal protection to the creators of “works of the mind”
- Copyright was designed:
  - Reward creators for their works
  - Encourage availability of the works
  - Facilitate access and use by the public



# Where do things go wrong?

- Creator (author/s) controls:
    - Reproduction (copies)
    - Distribution
  - Copyright is an economic property right
  - Copyright can be assigned to 3<sup>rd</sup> party
  - Authors assign copyright to publishers.... for free
  - Now the publisher owns/controls copyright
  - Libraries as providers of information:
    - Cannot afford subscriptions to all journals
    - Yearly increases in journal prices
- 

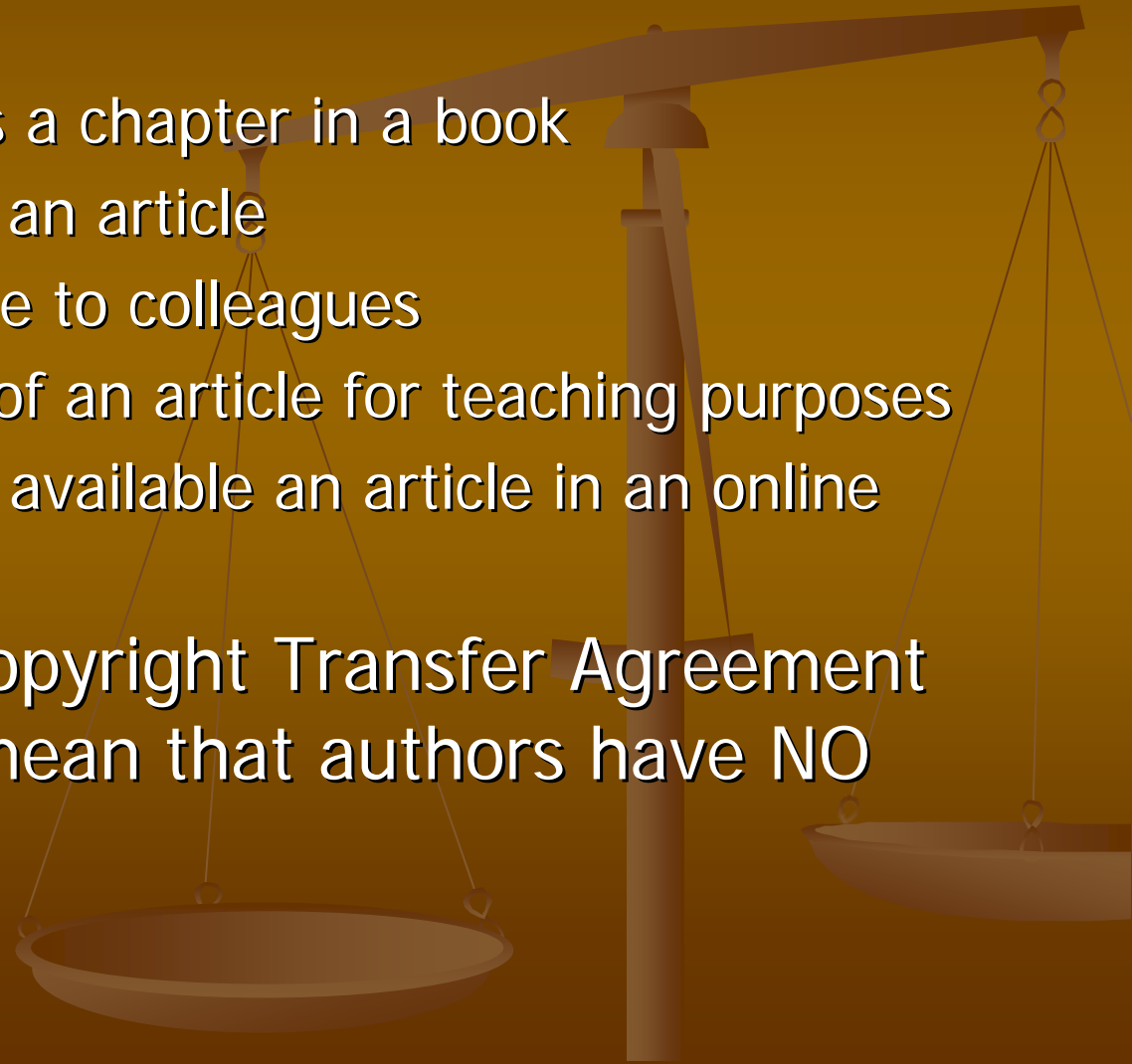
# Who holds the copyright?

- Articles not yet submitted to a journal (preprints) : author/s
- Authors sign a Copyright Transfer Agreement
- Published articles : publisher
- This is a legal contract
- If you do not hold the copyright....
- If you have not obtained permission...
- ...posting articles in a repository results in breaking the law!



# What rights do authors usually sign away?

- The right to :
  - reuse an article as a chapter in a book
  - to revise or adapt an article
  - distribute an article to colleagues
  - reproduce copies of an article for teaching purposes
  - self-archive/make available an article in an online repository
- BUT : signing a Copyright Transfer Agreement does not always mean that authors have NO rights



# What can authors do?

## Publish in open access journals (gold)

The screenshot shows the DOAJ website in a Microsoft Internet Explorer browser window. The address bar shows the URL <http://www.doaj.org/>. The page features the DOAJ logo and the text "DIRECTORY OF OPEN ACCESS JOURNALS". A navigation menu on the left includes links for "Find Journals", "New titles", "Find articles", "Suggest a journal", "About", "FAQ", "News", "Sponsors", "Membership", "Contact", "For journal owners", and "For authors". The main content area contains a welcome message, a "Sign the petitions:" section with two bullet points, a "Support the development and operation of DOAJ" section, and a search box with a "Find journals" button. At the bottom, there are sections for "Browse by title" and "Browse by subject" with alphabetical navigation links.

Directory of open access journals - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Home Search Favorites Refresh Print Mail Word Excel PowerPoint Outlook

Address <http://www.doaj.org/> Go Links

# DOAJ

 DIRECTORY OF OPEN ACCESS JOURNALS

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[For journal owners](#)

[For authors](#)

Welcome to the Directory of Open Access Journals. This service covers free, full text, quality controlled scientific and scholarly journals. We aim to cover all subjects and languages. There are now **2751** journals in the directory. Currently **831** journals are searchable at article level. As of today **140460** articles are included in the DOAJ service.

Sign the petitions:

- Petition for Public Access to Publicly Funded Research in the United States - go to the [petition site](#)
- Petition to the European Commission to demonstrate support for Open Access - go to the [petition site](#)

Support the development and operation of DOAJ. Sign up for membership - go to the [membership page](#). We are very thankful for the support from those of you who have already decided to become DOAJ members. See the [list of members](#)

Browse by title

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)

Browse by subject

Done Internet



# What can authors do?

## Archive articles in a repository (green)

UPSpace at the University of Pretoria: OpenUP - Microsoft Internet Explorer

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Address <https://www.up.ac.za/dspace/handle/2263/76> Go Links

University of Pretoria

UPSpace

Search UPSpace

Go

[Advanced Search](#)

Home

Browse

- Communities & Collections
- Titles
- Authors
- By Date

Sign on to:

- Receive email updates
- My UPSpace authorized users
- Edit Profile
- Help

[UPSpace at the University of Pretoria >](#)

### OpenUP

Community home page

In:  Go

Search for  Go

or browse

The openUP Collection consists of scholarly publications (postprints) by researchers of the [University of Pretoria](#). It is linked to the Research Information System and complements the [Annual Research Report](#).

The University's extensive collection of electronic theses and dissertations can be found at <http://upetd.up.ac.za>

Read more about [openUP](#)

### Collections in this community

openUP

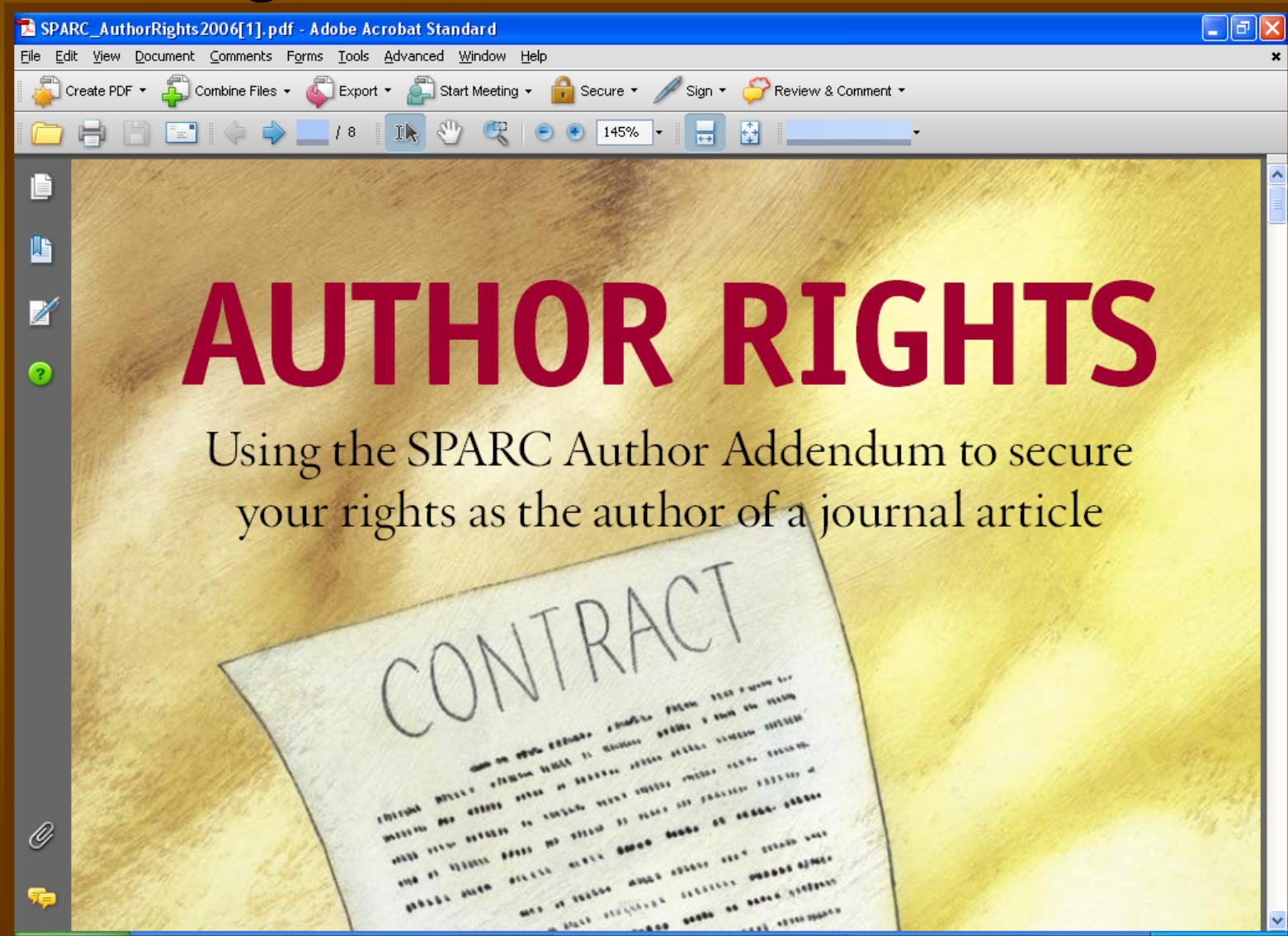
### Recent Submissions

- [Influence of temperature and pH on the quality of metastable iron phases produced in zinc-rich solutions](#)
- [Complete genetic linkage maps from an interspecific cross between \*Fusarium circinatum\* and \*Fusarium subglutinans\*](#)
- [Building library leadership in Africa: a proposed education initiative](#)
- [Juridiese problematiek van grondbesit in die boek Rut](#)
- [At the foot of Mount Olympus : a theory](#)

Local intranet

# What can authors do?

## Negotiate / amend contract



# What can authors do?

## Creative Commons license

Choose a License | Creative Commons - Microsoft Internet Explorer

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home find

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**Allow commercial uses of your work?** ([more info](#))

Yes  
 No

**Allow modifications of your work?** ([more info](#))

Yes  
 Yes, as long as others share alike ([more info](#))  
 No

Jurisdiction of your license ([more info](#))

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# Who can assist? Journal Info

Journal Info - Microsoft Internet Explorer

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Back Search Favorites

Address <http://jinfo.lub.lu.se/> Go Links

På Svenska Lund University

## Journal Info

**Find Journals**

News

FAQ

Acknowledgements

Contact


*Newsflash: The INSPEC database added to the Journal Info service.*


Look up information on your favorite scientific journal or discover a new one.

**Browse by subject**

[Expand Subject Tree](#)

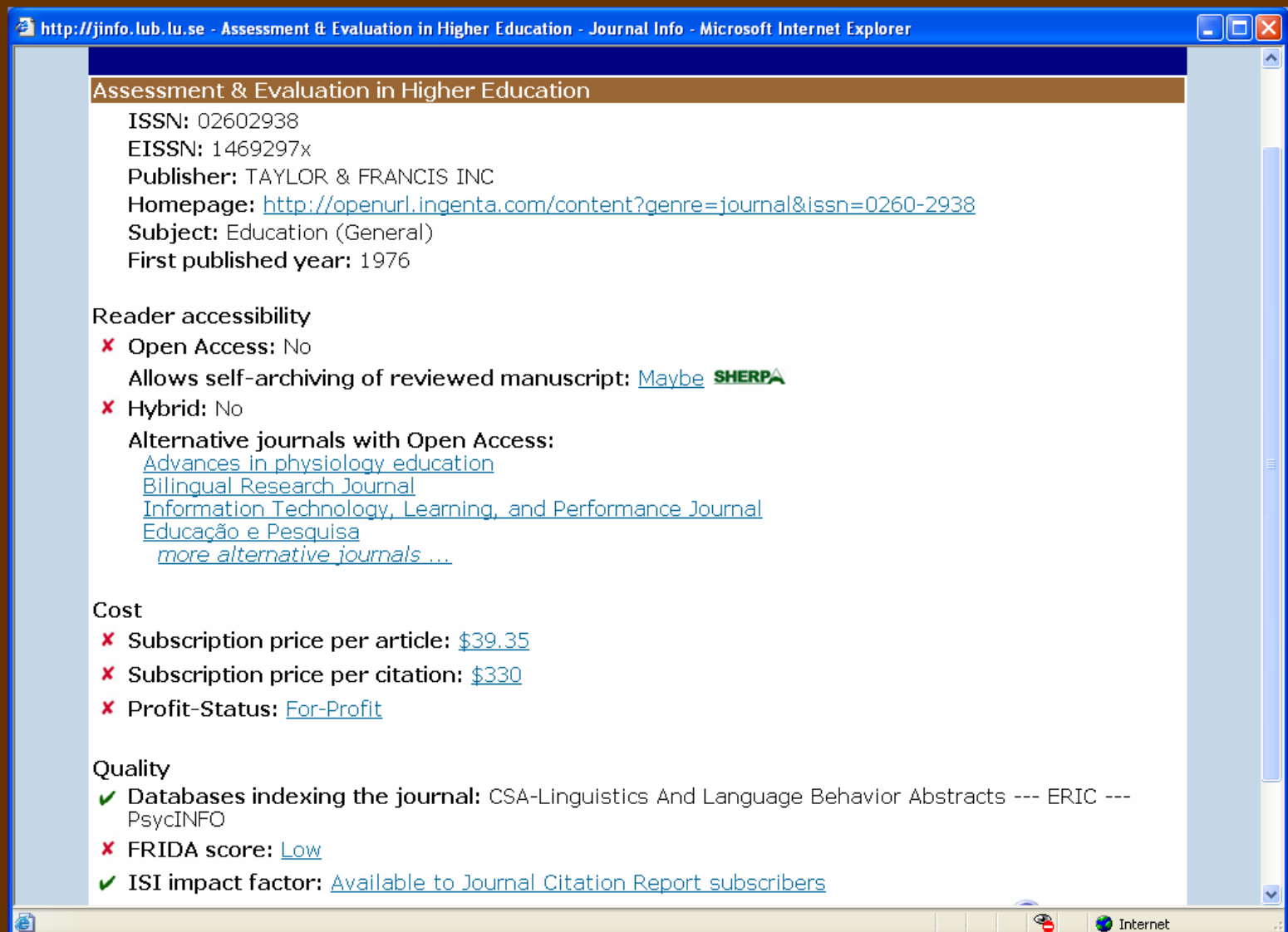
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LUND UNIVERSITY

  
National Library

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# Journal info(ormation)



http://jinfo.lub.lu.se - Assessment & Evaluation in Higher Education - Journal Info - Microsoft Internet Explorer

## Assessment & Evaluation in Higher Education

ISSN: 02602938  
EISSN: 1469297x  
Publisher: TAYLOR & FRANCIS INC  
Homepage: <http://openurl.ingenta.com/content?genre=journal&issn=0260-2938>  
Subject: Education (General)  
First published year: 1976

### Reader accessibility

- ✗ Open Access: No
- Allows self-archiving of reviewed manuscript: [Maybe](#) **SHERPA**
- ✗ Hybrid: No

Alternative journals with Open Access:

- [Advances in physiology education](#)
- [Bilingual Research Journal](#)
- [Information Technology, Learning, and Performance Journal](#)
- [Educação e Pesquisa](#)
- [more alternative journals ...](#)

### Cost

- ✗ Subscription price per article: [\\$39.35](#)
- ✗ Subscription price per citation: [\\$330](#)
- ✗ Profit-Status: [For-Profit](#)

### Quality

- ✓ Databases indexing the journal: CSA-Linguistics And Language Behavior Abstracts --- ERIC --- PsycINFO
- ✗ FRIDA score: [Low](#)
- ✓ ISI impact factor: [Available to Journal Citation Report subscribers](#)

# Who can assist? SHERPA/RoMEO

SHERPA/RoMEO - Publisher copyright policies & self-archiving - Microsoft Internet Explorer

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Address <http://www.sherpa.ac.uk/romeo.php> Go Links

# SHERPA RoMEO

...opening access to research

[Home](#) | [Guidance](#) | [Repositories](#) | [Projects](#) | [Links](#) | [About](#) | [Contacts](#)

## Publisher copyright policies & self-archiving

Use this site to find a summary of permissions that are normally given as part of each publisher's copyright transfer agreement.

### Search

Search  **Journal titles**  **Publisher names**

for

find  **contains** or  **starts with** or  **Exact phrase only**  **ISSN**

### Browse

- [All publishers](#)
- [Green publishers](#)
- [Blue publishers](#)
- [Yellow publishers](#)
- [White publishers](#)

*[What the colours mean.](#)*

This service is maintained by SHERPA, with support from [JISC](#) and the [Wellcome Trust](#). It is a development of the original journal publishers' listings produced by the [RoMEO Project](#). Journal information is kindly provided by the British Library's [Zetoc](#) service hosted by MIMAS. The information held here is available for use by third-parties under [conditions for re-use](#) and a Creative Commons licence. See a [list of sites](#) that are already using RoMEO data. A [prototype API](#) is available and being developed for m2m access: for example to be integrated into a repository's deposit process. [Statistics](#) are available for RoMEO colours allocated to the publishers in this list. [Contact us](#) for further information.

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# Journal conditions for archiving

SHERPA/RoMEO - Publisher copyright policies & self-archiving - Microsoft Internet Explorer

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## Publisher copyright policies & self-archiving

One journal found when searched for **assessment and evaluation**:

Journal: **Assessment and Evaluation in Higher Education** (ISSN: 0260-2938)  
Publisher: **Taylor & Francis**

These summaries are for the publishers *default* policies and changes or exceptions can often be negotiated by authors.  
*All information is correct to the best of our knowledge but should not be relied upon for legal advice.*

<b>Publisher:</b>	<a href="#">Taylor &amp; Francis</a>
<b>Pre-print:</b>	✓ author <b>can</b> archive pre-print (ie pre-refereeing)
<b>Post-print:</b>	✗ <b>subject to Restrictions below</b> , author <b>can</b> archive post-print (ie final draft post-refereeing)
<b>Restrictions:</b>	<ul style="list-style-type: none"><li>• 12 month embargo for STM Journals</li><li>• 18 month embargo for SSH journals</li></ul>
<b>Conditions:</b>	<ul style="list-style-type: none"><li>• Some individual journals may have policies prohibiting pre-print archiving</li><li>• Publisher's version/PDF cannot be used</li><li>• On a non-profit server</li><li>• Published source must be acknowledged</li><li>• Must link to publisher version</li></ul>
<b>Mandated OA:</b>	✓ <a href="#">Wellcome Trust</a> (Paid OA option - selected journals); ✗ <a href="#">ARC</a> (Unacceptable embargo); ✓ <a href="#">Cancer Research UK</a> (Paid OA option - selected journals); ✓ <a href="#">DFG</a> (Compliant - see conditions - selected journals); ✓ <a href="#">ESRC</a> (Compliant - see conditions); ✓ <a href="#">FWO</a> (Compliant - see conditions); ✓ <a href="#">FWF</a> (Compliant - see conditions - selected journals); ✗ <a href="#">Inserm</a> (Unacceptable embargo); ✓ <a href="#">MRC</a> (Paid OA option - selected journals); ✓ <a href="#">NIH</a> (Compliant - see conditions - selected journals); ✓ <a href="#">PPARC now STFC</a> (Compliant - see conditions); ✓ <a href="#">STFC</a> (Compliant - see conditions)

Done Internet

# Who can assist? Publisher's web sites

Blackwell Publishing Press Room - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address <http://www.blackwellpublishing.com/static/openaccess.asp> Go Links

**Blackwell Publishing** Search Catalog Search [Advanced search](#) [View Basket](#)

[Books](#) | [Journals](#) | [Subjects](#) | [Blackwell Synergy](#) | [About](#) | [Resources](#) | [Home](#)

## About

**About Menu**

- About Blackwell
- Society Publishing
- Company History
- Company Profile
- Executive Biographies
- Community and Environment
- Global Offices
- Offshore Publishing Services
- Current Vacancies
- Career Opportunities
- Executive Presentations
- Press Room

**Press Room menu**

- Press Room Home
- Blackwell in the News
- Press Releases
- Archive
- Media Contacts
- Seminars
- Blackwell Logos

### Blackwell Publishing's Position on Open Access

Open Access is an important development in scholarly communications which aims to deliver unrestricted access to academic research to all those who seek it. Blackwell Publishing has been proactive in the debate: monitoring the evolving issues, contributing to government and industry evaluation initiatives, and advising the 665 societies and 800+ journal editors with whom we work.

At Blackwell our primary goal is to facilitate the dissemination of research through the licensing of access to institutions and individual customers whilst continuing to provide a return to the societies for whom we publish. We will support Open Access models which ensure that viable high quality society publishing continues to flourish.

Following is a summary of the ways in which Blackwell Publishing and the societies with whom we publish are responding to the calls for Open Access publishing:

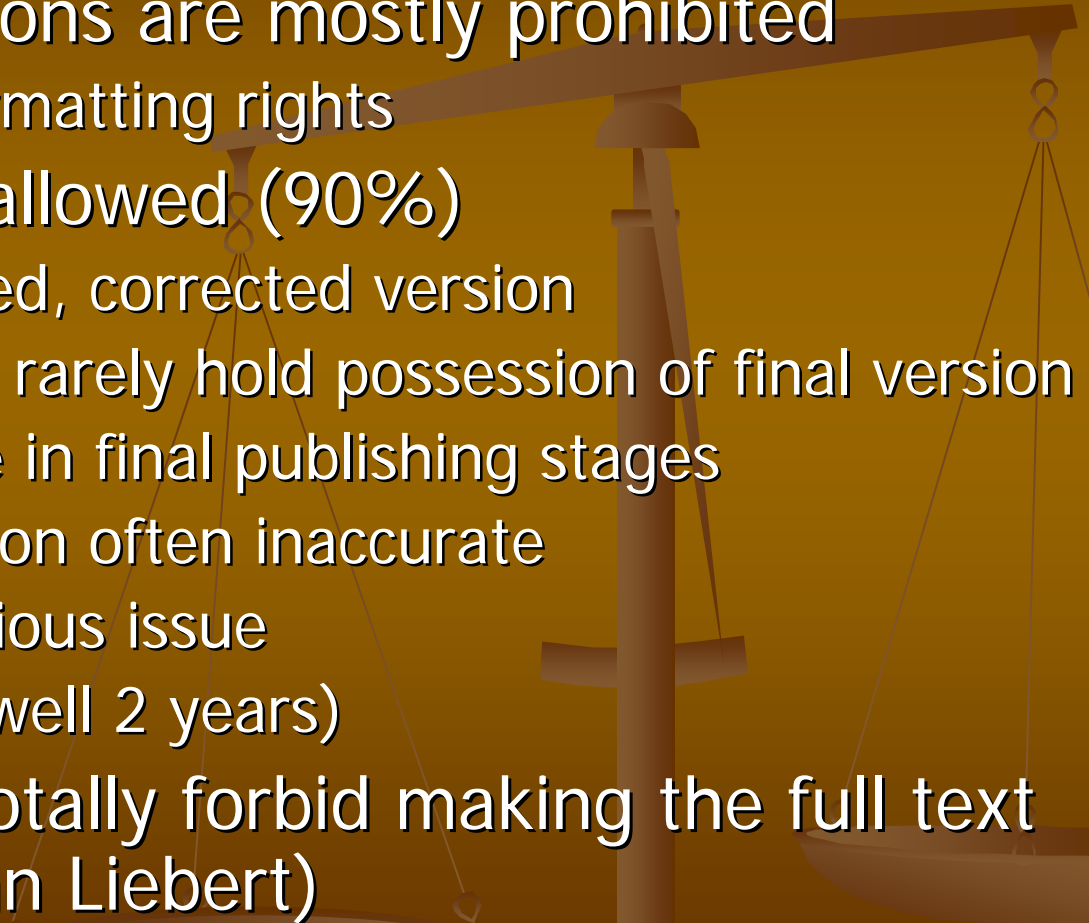
1. [Self-archiving](#) - Our copyright assignment policy allows authors to self-archive their final version of their article on personal websites or institutional repositories.
2. Author pays - We are offering a new service called [Online Open](#) which gives authors the choice to pay a publication fee in order for their article to be openly accessible to all.
3. [Free back files](#) - Several journals offer free access to content after a set time period, or to certain types of material such as review articles.
4. Developing world access We offer [free or low cost access](#) to libraries in the poorest countries through our participation in the HINARI, AGORA, OARE, INASP and related initiatives.

[Privacy Policy](#) | [Contact](#) | [Help](#)

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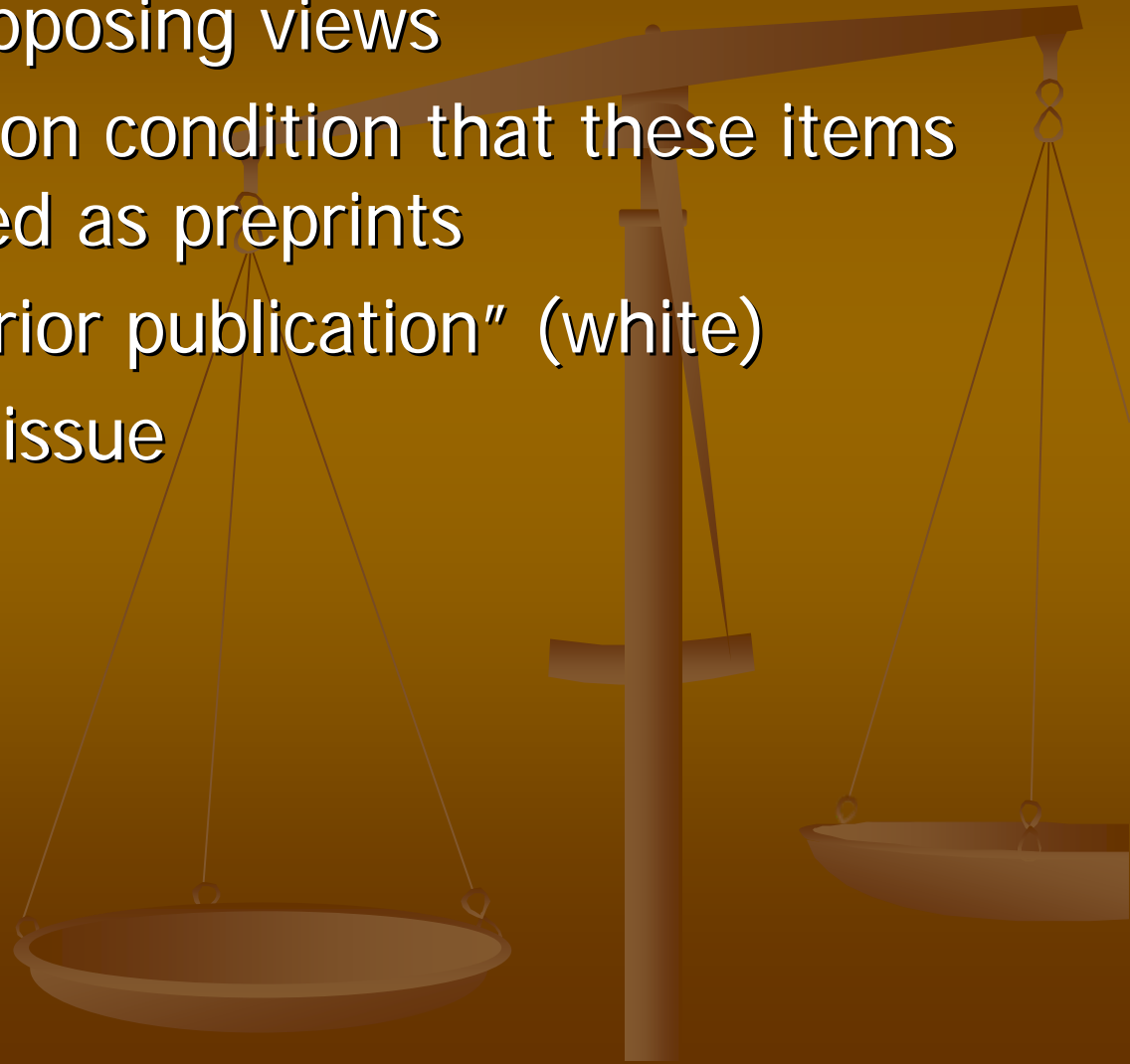


# What can be archived?

- Publisher pdf versions are mostly prohibited
    - Publishers hold formatting rights
  - Postprints mostly allowed (90%)
    - Final, peer-reviewed, corrected version
    - Problem – authors rarely hold possession of final version
    - Changes are made in final publishing stages
    - Author's final version often inaccurate
    - Quality control serious issue
    - Embargoes (Blackwell 2 years)
  - Some publishers totally forbid making the full text available (Mary Ann Liebert)
- 

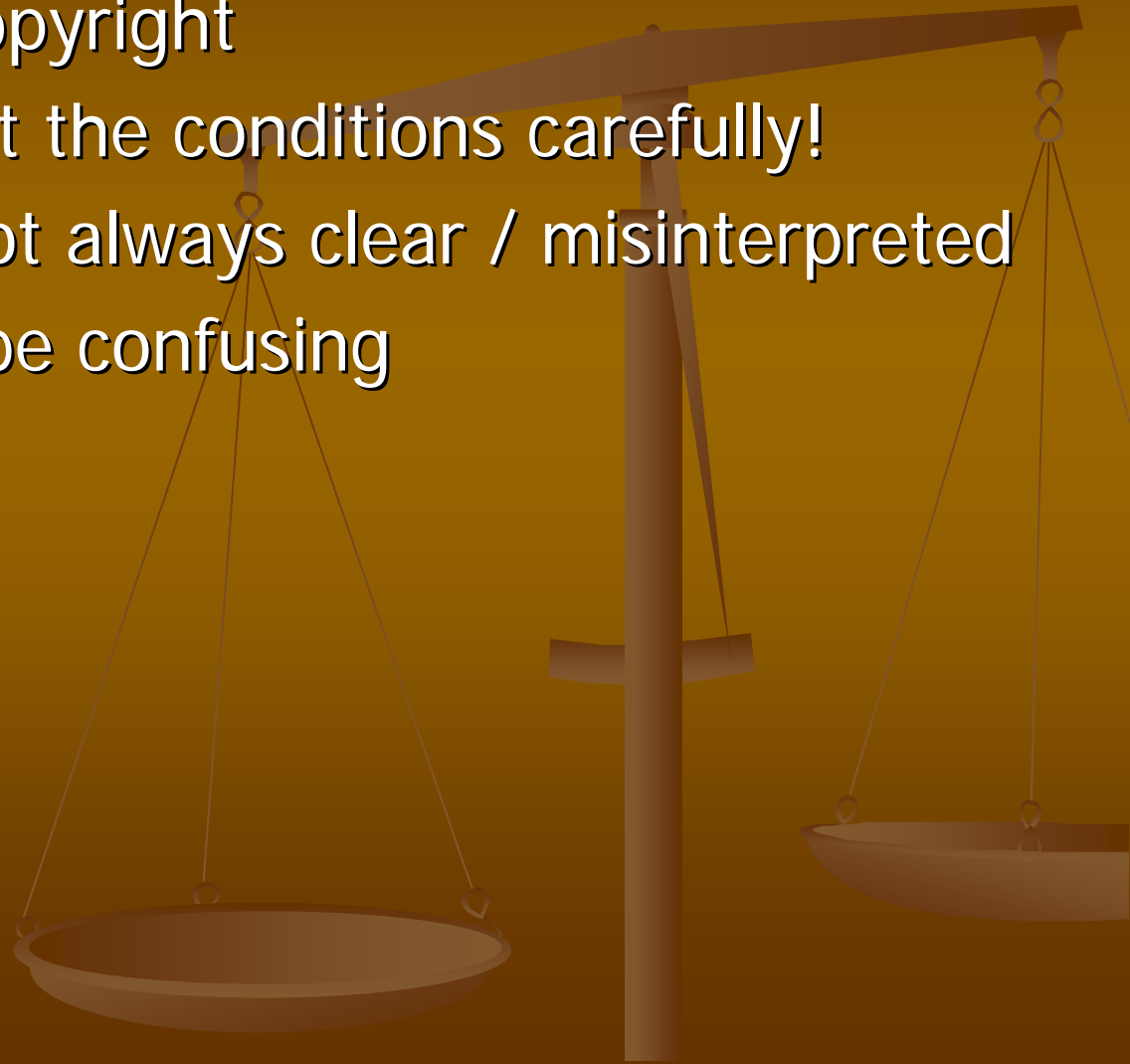
# What about the preprints?

- Publishers have opposing views
- Some will allow it on condition that these items are clearly specified as preprints
- Others prohibit “prior publication” (white)
- Problem – quality issue



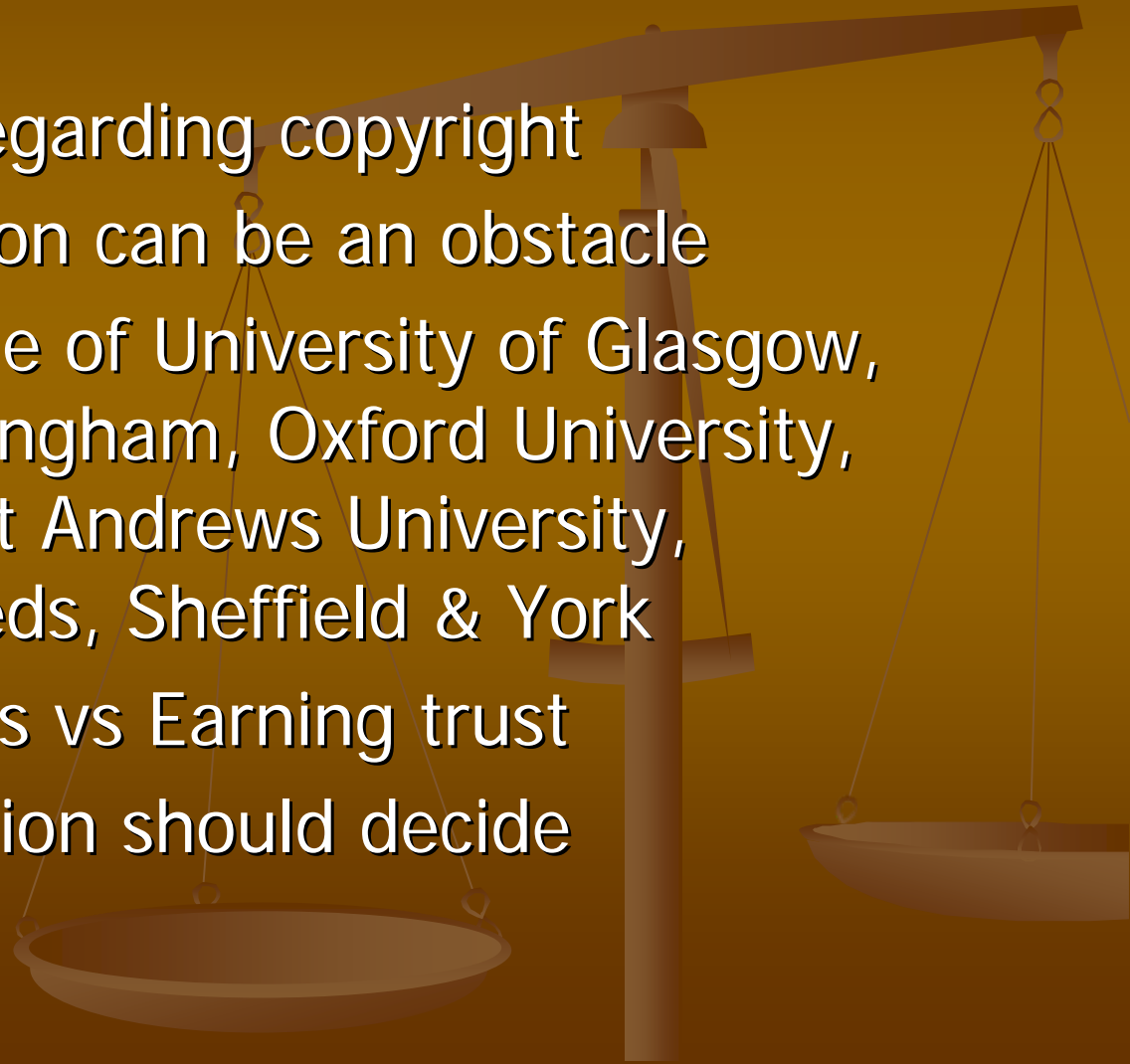
# What about restrictions?

- Fear to infringe copyright
- Read and interpret the conditions carefully!
- Restrictions are not always clear / misinterpreted
- Terminology can be confusing




# Should we adhere to copyright?

- Complicated issue
- Opposing views regarding copyright
- Copyright legislation can be an obstacle
- Follow the example of University of Glasgow, University of Nottingham, Oxford University, Royal Holloway, St Andrews University, Universities of Leeds, Sheffield & York
- Ask for forgiveness vs Earning trust
- You / your institution should decide



# What about SA publishers?

- openUP adheres to publishers' copyright policies
  - openUP checks copyright agreements beforehand
  - Most SA publishers are not listed in SHERPA/RoMEO
  - openUP contacts the publisher directly via email
  - Standard letter & permission form
  - Started with UP journals
  - Our vision: a SA RoMEO?
- 

# UP journal list – 151 titles

Microsoft Excel - UP Publisher policies

Journal of Information Ethics

1 Gray : permission requested from publisher - waiting for response

2 Gold : can archive the publisher-generated .pdf file. **Some articles may be embargoed**

3 Green : can archive pre-print and post-print

4 Blue : can archive post-print (ie final draft post-refereeing). **Some articles may be embargoed**

5 Yellow : can archive pre-print (pre-refereeing)

6 White : archiving not allowed. Submit the No permission file on Share and change the file name accordingly

7 Tan : blanket permissions not granted - each request is considered on it's own merits

8 Pink : permission obtained for one particular article only

9 Plum : cross references

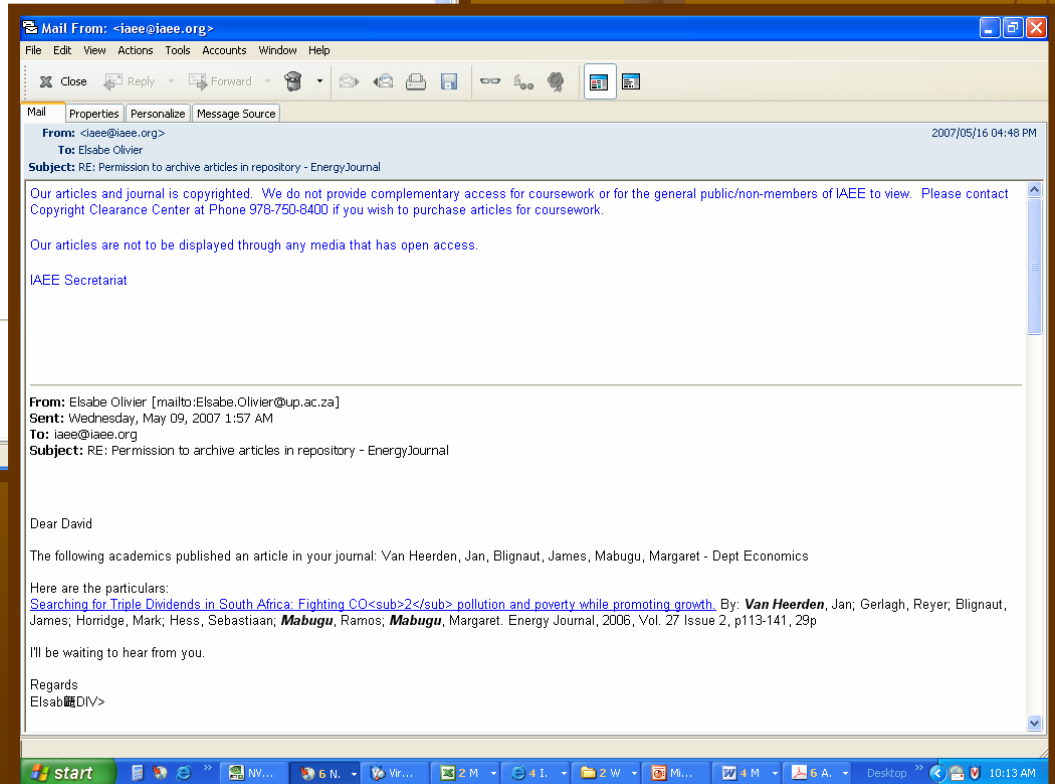
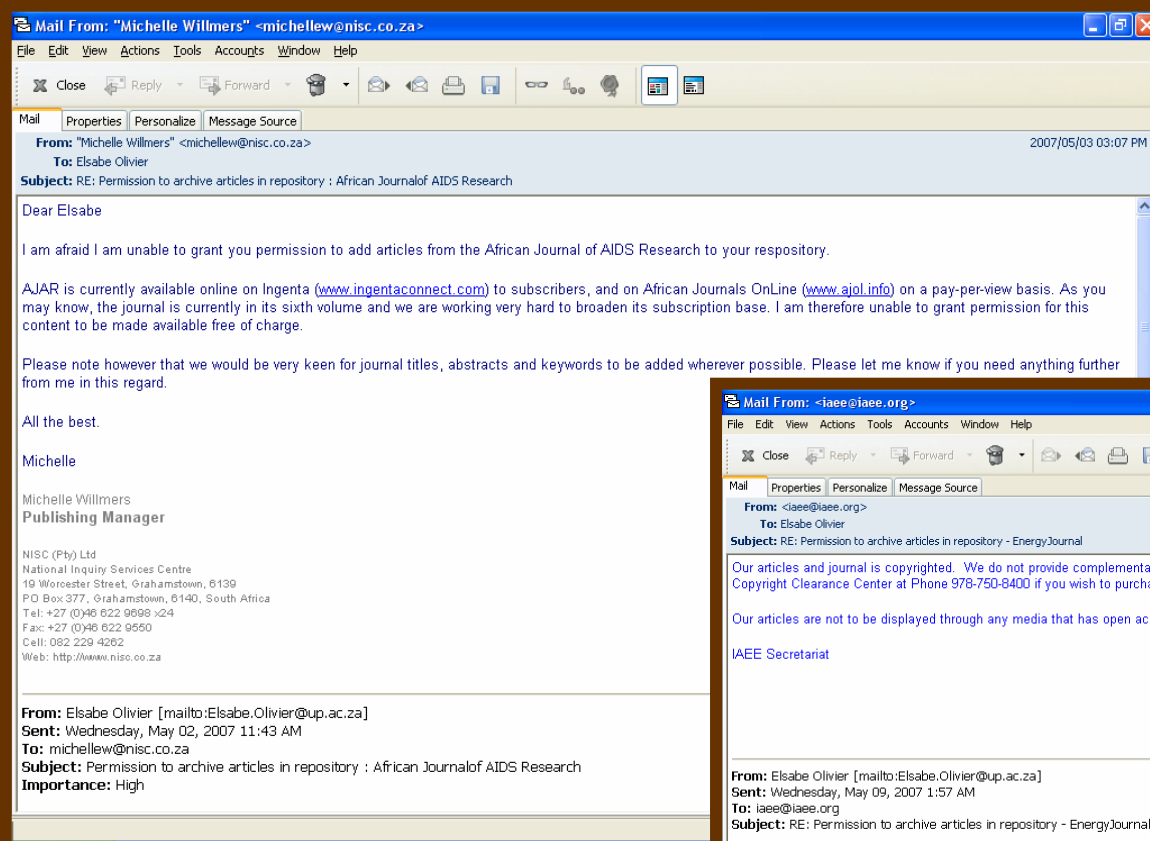
10 Publishers guidelines

	Title	Negotiator	Date	Publisher	URL	ISSN	Sae	Full permission	Version
13	Accountancy SA	Elsabé Olivier	11/5/2007 - kontoleer adres 25/5	South African Institute of Chartered Accountants	<a href="http://www.accountancysa.org.za/">http://www.accountancysa.org.za/</a>	0258-7254	No		
14	Acta Academica	Elsabé Olivier	12/6/2007 Bel-sal binnekort antw hê(22/6) vdbergd.hum@mail.uovs.ac.za	UFS-Sasol Library	<a href="http://www.journals.co.za/ej/our_academ.html">http://www.journals.co.za/ej/our_academ.html</a>	0587-2405	Yes		
15	Acta Criminologica: South African Journal of Criminology	Elsabé Olivier	5/6/2007 (Ontvang terugvoer 6/0607)	Institute for Criminological Sciences, University of South Africa	<a href="http://www.journals.co.za/ej/ejou_r_crim.html">http://www.journals.co.za/ej/ejou_r_crim.html</a>	1012-8093	Yes		
16	Acta Juridica	Elsabé Olivier	19/6/2007	Juta Law	<a href="http://www.journals.co.za/ej/ejou_r_ju_jur.html">http://www.journals.co.za/ej/ejou_r_ju_jur.html</a>	07021-73142	Yes	No - 3 months embargo	Version supplied by Juta
17	Acta Patristica et Byzantina	Elsabé Olivier	29/5/2007 (Skakel 12/6)	Department of Ancient Languages, University of Pretoria	<a href="http://journals.sabinet.co.za/ej/our_patris.html">http://journals.sabinet.co.za/ej/our_patris.html</a>	1022-6486	Yes	Yes	Final published version
18	Acta Theologica	Elsabé Olivier	4/6/2007	Faculty of Theology of the University of the Orange Free State	<a href="http://www.uovs.ac.za/faculties/content.php?id=3980&amp;FCode=09">http://www.uovs.ac.za/faculties/content.php?id=3980&amp;FCode=09</a>	1015-8758	Yes	Yes	Final published version

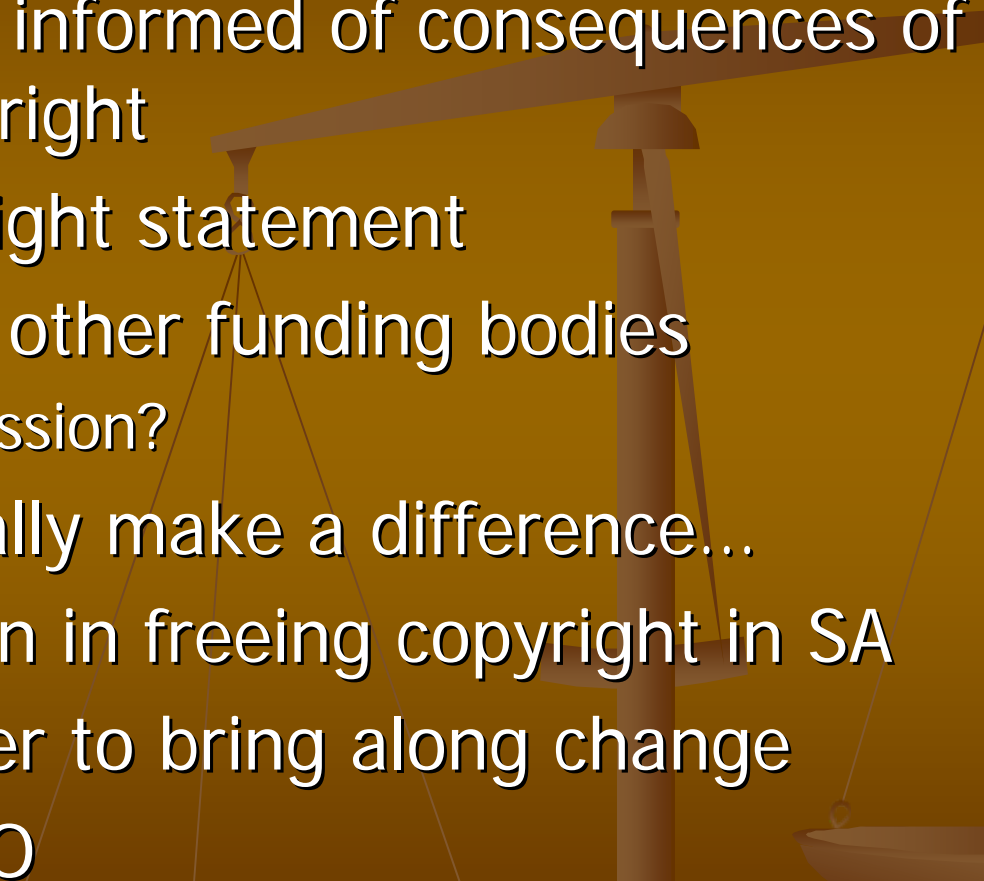
Permissions / SAePublications / openUP statistics / Harvesting / Restricted articles / Err

Ready NUM

# Refusals...



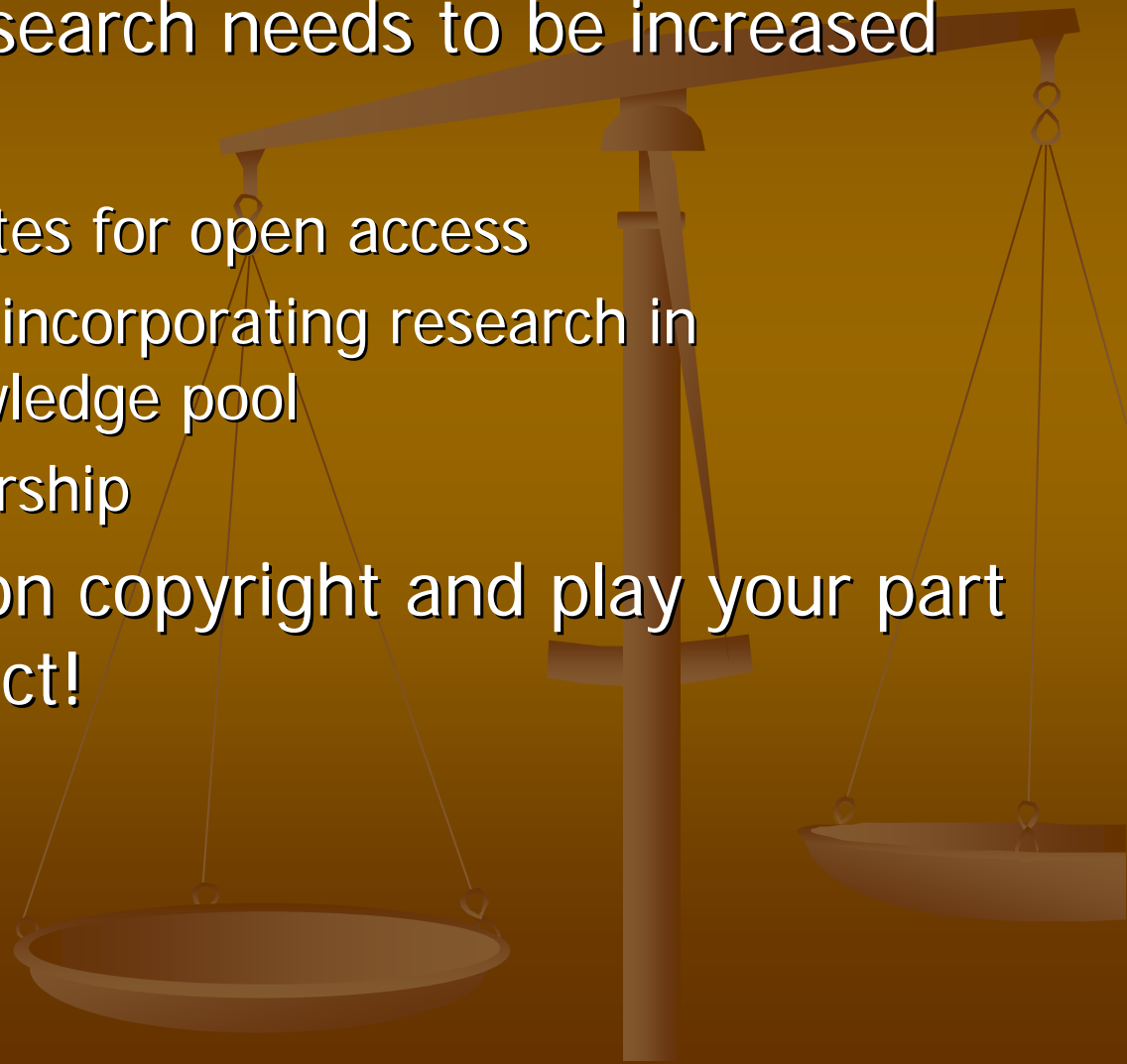
# What are our suggestions?

- Authors should be informed of consequences of signing away copyright
  - Institutional copyright statement
  - Role of the NRF & other funding bodies
    - Compulsory submission?
  - Opposition can really make a difference...
  - Lack of cooperation in freeing copyright in SA
  - Let's lobby together to bring along change
  - SA SHERPA/RoMEO
- 



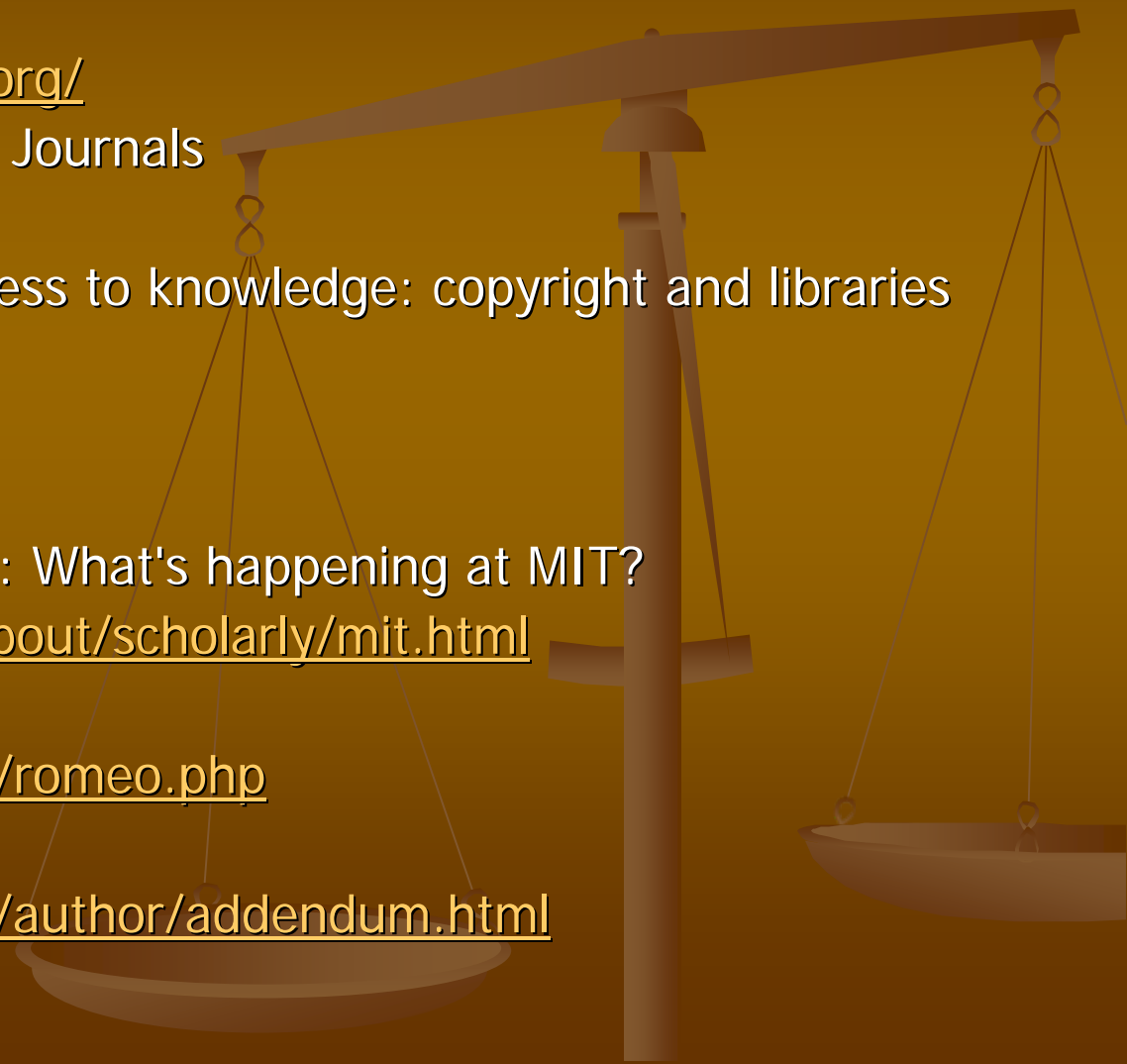
# In conclusion

- Visibility for SA research needs to be increased
- Librarians
  - Important advocates for open access
  - Can play a role in incorporating research in international knowledge pool
  - Can provide leadership
- Educate yourself on copyright and play your part in this balancing act!



# Links

- Creative Commons  
<http://creativecommons.org/>
- Directory of Open Access Journals  
<http://www.doaj.org/>
- eIFL-IP Advocacy for Access to knowledge: copyright and libraries  
[www.eifl.net](http://www.eifl.net)
- Journal Info  
<http://jinfo.lub.lu.se/>
- Scholarly Communication: What's happening at MIT?  
<http://libraries.mit.edu/about/scholarly/mit.html>
- SHERPA/RoMEO  
<http://www.sherpa.ac.uk/romeo.php>
- SPARC author addendum  
<http://www.arl.org/sparc/author/addendum.html>



# References

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- McCulloch, E 2006, 'Digital directions taking stock of open access : progress and issues', Library Review, vol. 55, no. 6, pp. 337-343.
- Rao, SS 2003, 'Copyright: its implications for electronic information', Online Information Review, vol. 27, no. 4, pp. 264-275.
- Seadle, M 2005, 'Copyright in the networked world: author's right', Library High Tech, vol. 23, no. 1, pp. 130-136.
- Urs, SR 2004, 'Copyright, academic research and libraries: balancing the rights of stakeholders in the digital age', Program: electronic library and information systems, vol. 38, no. 3, pp. 201-207.



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